

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.304 OF 2006
IN
SUMMONS FOR JUDGMENT NO. 815 OF 2004
IN
NOTICE OF MOTION NO. 43 OF 2003
IN
SUMMARY SUIT NO. 43 OF 2003

M/s Telecon Electric Industries .. Appellant.
V/s
Crompton Greaves Ltd. ..Respondent.

Mr. Ravindra T. Parekh for the appellant.

Mr. Birendra Saraf i/b N. Deshopande & Co. for
respondent.

CORAM : DR. S. RADHAKRISHNAN &
S.J.VAZIFDAR, JJ.

DATE : 2ND MAY, 2006.

p.c.

. Heard the learned Counsel for the appellant and
the learned Counsel for the respondent.

2. By this appeal the appellant has challenged the
order dated 13th March, 2006, passed by the Single
Judge.

3. The appeal is admitted. The learned Counsel for the respondent waives service. By consent the appeal is taken up for final hearing.

4. After hearing for some time both the learned Counsel for the appellant and respondent categorically consent for the following order being passed;

(a) The appellant on deposit of Rupees. 14,51,000/- is granted conditional leave to defend the above suit. The appellant shall file written statement within a period of 12 weeks from today.

(b) The learned Counsel appearing for the appellant Mr. Parekh states that the entire amount of Rupees. 14, 51,000/- has been already deposited with the Prothonotary and Senior Master.

(c) The respondent is permitted to withdraw the amount of Rupees. 14,51,000/- on furnishing security to the satisfaction of the learned Prothonotary and Senior Master. It is made clear that in the event of the respondents losing in the suit, the respondents will

bring back the aforesaid amount along with interest as may be quantified at the time of final hearing. The impugned order stands substituted as above.

. The appeal stands disposed of accordingly.

(Dr. S. Radhakrishnan, J.)

(S.J. Vazifdar, J.)